



DeKalb County

PUBLIC WORKS DEPARTMENT, WATER & SEWER DIVISION

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July 29, 1999

AUG 02 1999

REC-104-1000

Senator Max Cleland
463 Dirksen Senate Office Building
Washington, DC 20510

BY FEDERAL EXPRESS

Subject: FCC Proposed Rulemaking
Multiple Address Systems (MAS)
WT Docket 99-87

Dear Senator Cleland:

I am writing this letter to call your attention to an urgent matter that is now before the FCC for a proposed rulemaking. The issue of assigning of radio frequencies to public utilities only recently came to our attention and we urge you to become involved in the rulemaking. We are attaching our comments to the FCC for your information. This issue is important to public utilities to properly serve your constituents, especially during times of dire needs, that is during emergency conditions when water services would be critical to protect the public health and safety.

Your seat on the Senate Commerce Committee is of particular importance here, because your Committee has direct jurisdiction in this matter. From your past attendance at annual meetings of our Georgia Water and Pollution Control Association, we know first hand of your interest in the operation of Georgia's water and sewer utilities.

Please do not hesitate to call me should you have any questions.

Sincerely,

Richard P. Daniel
RD

Richard P. Daniel, P.E.
Associate Director

cc: Liane Levetan, CEO
Magalie Roman Salas, FCC Secretary

Attachments

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

FILED

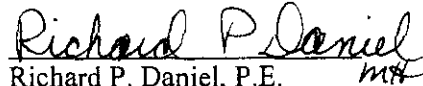
AUG 02 1999

FCC WASH DC

In the Matter of: Revised Competitive Bidding Authority
WT Docket 99-87

To: The Commission

COMMENT DeKalb County Department of Public Works
Water and Sewer Division


Richard P. Daniel, P.E. *md*
Associate Director
1580 Roadhaven Drive
Stone Mountain, Georgia 30083

July 28, 1999

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EXECUTIVE SUMMARY

In the Telecommunications Act of 1996 the Congress charged the Federal Communication Commission (FCC) with the requirement that radio frequency spectrum for communication, both voice and data, be assigned as a result of auctions. In this Act particular frequency spectrums were set aside for use by "public safety" organizations. In the Act, "public safety" was identified as police and fire protection services. The Balanced Budget Act of 1997 directed the FCC to provide spectrum set-aside for a more broadly described "public safety services" including critical national infrastructure entities outside the auction process.

The DeKalb County Public Works Department, Water and Sewer Division supports the rulemaking petition submitted by the UTC, American Petroleum Institute, American Water Works Association, and Association of American Railroads proposing to create a third radio pool, in addition to the Public Safety and Industrial/Business Radio Pools already used for private radio frequencies below 470 MHz, to be known as the Public Service Radio Pool open to entities that

do not qualify (by current definition of terms) for Public Safety Radio Pool spectrum, but are eligible to use the public safety radio services that the Balanced Budget Act exempted from the Commission's auction authority. DeKalb County Water and Sewer believes that this approach is feasible and appropriate for other frequency bands including PLMR frequencies above 470 MHz.

INTRODUCTION

The DeKalb County Water and Sewer Division, a county owned and managed utility, provides drinking water to over 160,000 customers representing more than 580,000 people. This service area is geographically unique, encompassing 270 square miles with elevations varying more than 400 feet. The area is part of the rapidly growing Atlanta metropolis with all of the resulting demands on communication needs within an area of substantial topographic relief. DeKalb County Water and Sewer relies on a 800MHz trunked radio system for voice and data communication. At the present time, all of these assignments are used to provide water and sewer to 580,000 citizens.

Managing the County's water supply to protect the health and safety of 580,000 citizens, DeKalb County Water and Sewer maintains close communication ties to Emergency Services, particularly Police and Fire. This need for close cooperation became dramatically evident during a tornado that struck North DeKalb County in April of 1998. This tornado caused substantial damage that is still being repaired. Maintaining water service during this event was critical to protect the public health and safety. Therefore, to maintain water service to the public, it is critical not only to transmit voice traffic, but also to send control commands to manage and maintain the water production and distribution systems.

COMMENTS

The Balanced Budget Act of 1997, Public Law No. 105-33, Title III, 111 Statute 251 (1997) ("Balanced Budget Act"). The Balanced Budget Act revised the Commission's auction authority for wireless telecommunications services. DeKalb County Water and Sewer believes that the timely implementation of the Balanced Budget Act provisions regarding spectrum access for critical infrastructure entities is critical to meeting a need expressly recognized by the U.S. Congress.

Exemption from Auction

The Balanced Budget Act of 1997 and associated report language provide clear legislative direction to the FCC to insure that public safety radio services as defined in the Act and report language are exempt from auction. In determining that there was a specific need for access to spectrum outside of the auction process, Congress implicitly recognized the need for adequate availability of spectrum to activities deemed public safety radio services; and the spectrum should be made available to these activities through a mechanism other than auctions.

Definition of Public Safety Radio Service

The definition for "public safety radio services" as stated by Congress is broader than the current "public safety radio services." The Act and associated report language specifically avoid the use of language that would limit the applicability of this section to the current definition of public safety (i.e., police, fire, rescue applications). The

Balanced Budget Act of 1997 by reference and specific language describes "public safety radio services" as including private internal radio services that were:

1. Used by State and local government,
2. Used by non-governmental entities to protect safety of life, health or property, and not made commercially available to the public.

The Balanced Budget Act of 1997 was accompanied by report language that provides a clear descriptive summary of public safety radio services that meet the private internal radio services definition included in the Act:

"The exemption from competitive bidding authority for "public safety radio services" includes "private internal radio services" used by utilities, railroads, metropolitan transit systems, pipelines, private ambulances, and volunteer fire departments. Though private in nature, the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public."

Access to the exemption from competitive bidding authority for public safety radio service and associated spectrum allocations, is a function of the service provided "protection of safety of life, health, or property."

Definition of Private Internal Radio Services

Access to the exemption from competitive bidding authority for private internal radio services should be held against the same yardstick as described above with the additional requirement that the radio service does not involve the commercial sale of the radio service itself. When applying this test of eligibility and the applicant will serve a group of users, all users must meet the eligibility tests of :

- (1) used to protect safety of life, health or property and
- (2) radio service is not sold commercially.

Establishing a Public Safety Radio Service Pool

DeKalb County Water and Sewer supports the formation of a public safety radio service pool to ensure that exempt spectrum is designated for the public safety needs identified in the Balanced Budget Act. Exemption from auction implies the formation of a core spectrum allocation to meet public safety radio service needs.

Critical Infrastructure Entity Need Spectrum

Drinking water utilities, including DeKalb County Water and Sewer, should be eligible for auction exempt spectrum identified by the FCC as it implements the Balanced Budget Act provisions. DeKalb County Water and Sewer and other water and sewer utilities across the United States are finding it difficult to obtain suitable spectrum to meet critical system needs. We need to monitor, control, and operate a water supply system that has well over 100 control locations that operates 24 hours a day (year around) and provides water to over half a million citizens. These sites consist of raw water pump stations, high service pump stations, ground storage tanks, elevated storage tanks, booster pump stations, pressure points, flow metering points, etc. that are needed to maintain drinking water, fire protection, and other services.

UTC has estimated that at least 6 MHz of spectrum (with the majority of that allocation being above 900 MHz is needed to meet power, pipeline, railroad, and water utility spectrum needs for the near future. While the public safety radio services pool will not meet this total need, as eligible entities, the proposed pool would at least help address a portion of the spectrum needs identified by UTC for the critical infrastructure entities.

Spectrum Utility

The spectrum provided in the public safety pool should have utility for the eligible entities, like DeKalb County Water and Sewer. For the public safety pool to assist DeKalb County Water and Sewer and others with similar interoperability and private internal communication applications the pool should be developed from:

1. 928-952-956 MHz MAS band
2. 932-941 MHz MAS band
3. 6, 11, and 18 Ghz microwave bands, which are currently in use for private internal radio service.
4. 700 Mhz band for interoperability with emergency responders.

These bands are identified based on several general principles:

- (1) appropriateness for radio applications typical of critical national infrastructure entities which are eligible for this pool,
- (2) current installed equipment base and availability of equipment suitable for critical national infrastructure entity applications of this spectrum, and
- (3) historical use of this spectrum by critical national infrastructure entities.

We are currently upgrading our telemetry communication capabilities so that we can monitor and control well above 4,000 measurement and control points. This is critical to our operation and our ability to supply water and water service to our citizens.